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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/195,005	01/18/99	WILLING	B MO-4861-HE-1

PATENT DEPARTMENT  
BAYER CORPORATION  
100 BAYER ROAD  
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PM82/0417

EXAMINER

VALENZA, J

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 04/17/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

091195005

Applicant(s)

WILLING

Examiner

VALENZA

Group Art Unit

3651

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period of Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-6 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-6 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 11/19/98 ~~is/are objected to by the Examiner.~~ **HAVE NOT BEEN REVIEWED BY THE DRAFTSMAN**
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 3
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit:

### DETAILED ACTION

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels or Kierpaul et al.

It would have been obvious that carriers 30 of Daniels or 18 of Kierpaul et al could be called work station wagons because the name has no specific functions assigned to it.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels or Kierpaul et al in view of Stahl.

It would have been obvious that the teachings of spacer 31 of Stahl could have been added to Daniels or Kierpaul et al.

3. Claims 1-6 are rejected under 35 U.S.C. 112 for being based on an inadequate disclosure.

The disclosure is inadequate as to structurally how the system knows when to operate switches 27, 37 to timely divert the selected rollers 8a, 8b of the selected wagon. Structurally, how does switch 37,37' know when there is an opening to supply a wagon into? Structurally, how is the wagon inserted as claimed by claim 3 via pushing by the following wagon if according to claim 4 the insertion guide has a high speed drive which should slam the inserted wagon into the back of a preceeding wagon? Structurally, what is the design of the load-dependent high speed drive on the insertion track?

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the load-dependent drive of claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Art Unit:

5. Any inquiry concerning this communication should be directed to Joseph E. Valenza at telephone number (703) 308/2577.

A handwritten signature in cursive script that reads "Joseph E. Valenza". The signature is written in dark ink and is positioned above a typed nameplate.

**JOSPEH E. VALENZA  
PRIMARY EXAMINER**